

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (L) NO. 667 OF 2021**

**Shiv Kankan CHS Ltd. ... Petitioner**  
**Versus**  
**The Municipal Corporation of Greater  
Bombay & Ors. ... Respondents**

Mr. Mohit Jadhav a/w. Ms. Megha Shigavan and Ms. Kajal Chourasia for the petitioner.

Ms. Pallavi Thakar for respondent nos. 1 to 3/MCGM.

Mr. S.P. Bharti for respondent no. 4.

**CORAM :- DIPANKAR DATTA, CJ &  
G. S. KULKARNI, J.**

**DATE : JANUARY 11, 2021**

**PC :-**

1. Having heard learned advocates for the parties and considering the nature of grievance raised in this writ petition, we find no reason to keep it pending.

2. The petitioner, a Society, is primarily aggrieved because of certain obstructions which have been put up on a 6m wide internal access road by the respondent no. 4 for which ingress to and/or egress from the Society premises is being hampered.

3. Reliance is placed by the petitioner on the communication dated December 18, 2020 of the Executive Engineer (Building & Proposal) W.S. 'R' Ward, Brihanmumbai Mahanagarपालिका, by which it was conveyed that as per approved occupation plan 6.5m wide internal access for the Society was provided and there being unauthorized construction, the same falls within the jurisdiction of the designated officer of the concerned ward.

4. We find that the petitioner has filed a representation dated November 9, 2020 addressed to the Assistant Municipal Commissioner of the Mahanagarpalika requesting that immediate action be taken against the unauthorized closure of the internal road. Such representation is still pending.

5. In that view of the matter, we dispose of the writ petition with a direction that the Assistant Municipal Commissioner shall either decide the representation of the petitioner himself or he may delegate such function, if permissible in law, to any subordinate officer. The authority deciding the representation shall put the parties on notice and after hearing them, pass an appropriate reasoned order within four weeks from date of receipt of this order.

6. All the contentions are expressly left open.

7. There shall be no order for costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)